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Kansas -- The Lecompton constitution



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KANSAS--THE LECOMPTON CONSTITUTION.

POPULAR SOVEREIGNTY, THEORETICAL AND PRACTICAL.

S P E E C H

OF

HON. JNO. COVODE, OF PENNSYLVANIA.

Delivered in the House of Representatives, March 25, 1858.



Mr. Chairman, the doctrine of "popular sovereignty," or the right of the people of a Territory to make their own laws, without let or hindrance on the part of Congress, or interference from any quarter, had its origin in the political necessities of a presidential aspirant, and was first announced in the famous "Nicholson letter." That letter made its appearance in 1848, just prior to the meeting of the Baltimore convention, and its author, General Cass, received the nomination of that body for the Presidency. It was regarded as a happy thought at the time, inasmuch as it relieved the party on the one hand of the Wilmot proviso, and on the other of the southern demand made by a few ultraists, with Mr. Calhoun at their head, of the right of the slaveholders to carry their slave property into all the Territories of the Union. But the South was far from being pleased with the "compromise," and signaled its displeasure by failing to elect its author to the Presidency. From that time forward, the Democratic party has nominally clung to the doctrine of popular sovereignty, it has been more and more the fashion to construe it in the manner least objectionable to the South; until at length it has been brought into harmony with the constitutional theories of the great Carolinian.

The doctrine as enunciated by its author plainly meant that the people of a Territory may, as such, admit or exclude slavery by their territorial laws, prior to the formation of a State constitution. It is due to General Cass to say that he has always contended for this construction in language as explicit as he ever employs upon any occasion. But the party, finding this interpretation almost as distasteful to the slaveholding interest as the Wilmot proviso itself, has gradually receded from it, until, as I have stated, the opposite theory, in all its latitude, has been adopted and announced by the President. Mr. Buchanan, in his letter to Professor Silliman, says:

"Slavery existed at that period, [meaning when the Nebraska bill was passed,] and still exists in Kansas, under the Constitution of the United States."

In his recent message, dated February 2, in which he communicated the Lecompton constitution to this House, he goes still further, saying:

"It has been solemnly adjudged by the highest judicial tribunal known to our laws, that slavery exists in Kansas by virtue of the Constitution of the United States. Kansas is, therefore, at this moment, as much a slave State as Georgia or South Carolina."

In 1854, when the repeal of the Missouri compromise was under consideration, the party avoided ultra southern ground. They declared in the body of the Kansas-Nebraska bill that it is

"The true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

We all remember that this clause was inserted in consequence of the disputes in regard to this doctrine of popular sovereignty. General Cass and his northern friends contended that slavery is a local institution, and that it exists nowhere except under the sanction of positive law; while the southern ultraists contend that slavery exists as a matter of right in all the Territories. In 1854, the Democratic party determined not to be embarrassed by this question, and accordingly inserted the above declaratory clause in the Kansas-Nebraska bill.

It will be seen that the Democracy has been steadily gravitating southwardly for nine or ten years past, until it at length stands squarely upon the South Carolina platform.

In 1847, the northern wing of the party voted for the Wilmot proviso. In 1848, they wheeled about and denied the right of Congress to abolish slavery in the Territories; but declared it to be the inalienable right of the people inhabiting them to admit or exclude slavery at their pleasure, either by their Territorial Legislatures, or in the formation of their State constitutions. In 1850 to 1854, this right was fiercely contested by the South, and the party was induced to take a neutral, or doubtful, position; in 1855-6-7, the repugnance of the slave interest to "squatter sovereignty" grew intense, and the party yielded still further; in 1858, they throw off all disguise, and openly avow that the Constitution carries slavery into all the Territories of the Union, and that no man can be a Democrat who denies this proposition.

I can conceive of but two further steps in this downward progress. The first of these is, to declare in favor of reopening the African slave trade; and the second is, to get up another Dred Scott decision in favor of the right to carry slavery into the free States. We know that the revival of the slave trade is earnestly demanded by the more active spirits of the South. The Governor of South Carolina had recommended it to the attention of the Legislature; and in Louisiana the Legislature, or at least one branch of it—the other, however, has rejected it by two votes—has,

within a few weeks past, passed an evasive act for the revival of the traffic in slaves, under the name of apprentices, or hired laborers. Indeed, it is stated in the newspapers that the trade has been actually revived, on the coast of Mississippi in defiance of the United States laws, which brand it as piracy. I have little doubt that the trade might be successfully carried on without the formality of a repeal of the laws prohibiting it, for we all know the alacrity of the President in efforts to conciliate the South. In Kansas we have seen him trample on law and justice; violate his pledges, and give countenance to the most infamous frauds, by turning out of office Governors and Secretaries who would not connive at them. How preposterous, then, the idea that the President would higggle at the allowance of the slave trade, or put himself to inconvenience in the enforcement of an unpopular statute of fifty years' standing! The slave trade may therefore be regarded as practically re-established; but there is reason to believe that the South will demand its legal recognition, and the experience of the last few years would lead to the expectation that the Democratic party will admit the African slave trade as a plank in its platform. The next national convention of the party is to meet at Charleston, South Carolina, in 1860, for the purpose of nominating a candidate for the Presidency, and the time and place will be eminently fitting for the insertion of the ebony plank.

The doctrine that the Constitution carries slavery into the free States has also found favor with the leading members of the party. There are those who insist that the Dred Scott decision covers this ground; and among this number is the official organ of the Government, the Washington Union. That paper, on the 17th of November last, distinctly asserted the right of the slaveholders to carry their slaves into the free States, and to remain with them as long as they think proper, any law of those States to the contrary notwithstanding. The South will ere long insist upon this right, and we may expect to see the Democratic party adopt it into its creed.

I have said that the Democracy have but two more steps to take in their downward career; but there is still another demand which the South will hold in reserve: the right to reduce the poor whites of the country, and the laboring classes generally, including mechanics, to slavery. This proposition has been boldly advanced in the South. Leading editors, politicians, and preachers have espoused it; and the other day it was proclaimed in the Senate Chamber. The time may come when they may attempt to reduce it to practice. Why should they hesitate? They pronounce free societies a failure—an unsuccessful experiment made in western Europe and northern America in comparatively modern times—while the whole experience and practice of mankind, from the earliest ages, attest the utility and necessity of slavery. It has become a cardinal dogma with the leaders of southern opinion, that slavery is the natural and proper condition of the laboring classes, without reference to the color of the skin or nature of their employment. The northern Democracy are now the faithful allies of this white-slavery party of the South, and stand ready to assist them in carrying out every practical measure. I can conceive that the leaders of the party in the free States will be greatly embarrassed by this question, when they shall be called upon to make an explicit avowal of the doctrine; but it must be remembered that numbers of them have already indirectly taken ground in favor of white slavery; for whoever quotes the Bible in favor of slavery, is the advocate of white slavery. The slavery instituted and regulated by the Mosaic laws was white slavery; the nations surrounding the land of Canaan, whom the Israelites were authorized to enslave, were white men. Caucasians; and, in a later age, the servants whom Paul commanded to obey their masters were white ser-

vants. Whoever, therefore, resorts to the Bible for arguments in support of slavery, stands committed in favor of the right to enslave his white fellow-citizens.

In tracing the downward career of the Democracy in the pursuit of "popular sovereignty," it is but just that I should I admit, as I do with pleasure, that a considerable wing of the party has at length awakened to a consciousness of the "base uses" to which their energies have been applied. They begin to see, at the eleventh hour, that they have done worse than stand all the day idle. The honest Democrats of the North really supposed that the propagandists of slavery were in earnest when they avowed themselves ready to "leave the people perfectly free to form their institutions in their own way." But the history of the struggle in Kansas has at length opened their eyes. It ought to have had that effect sooner, and would have done so but for the infatuation of prejudice and the pride of partisanship.

Sir, I will not fatigue the committee by going into a minute recital of the events of the Kansas history. A brief reference to them will be sufficient for my purpose.

The first territorial election took place in March, 1855. We all know how it was conducted. About five thousand men, in military array, marched over the line from the State of Missouri, "with drums beating and banners flying," dispersed themselves through the several counties or election districts; drove the peaceable inhabitants from the polls, and cast an overwhelming vote for men of their own party—many of them, like their constituents, citizens of Missouri. In a few instances protests were made by actual residents against these violent proceedings, and the Governor, Reeder, rejected the returns, and gave the certificates of election to free-State men. But, in most cases, the reign of terror established by the ruffian invaders was so complete that no one dared to make a protest; and, as a consequence—though not a legitimate consequence—the ruffian intruders secured a large majority of the Legislature.

The "Legislature" thus thrust upon the people of Kansas by violence and fraud, assembled in July. They adopted, at one fell swoop, the whole body of laws of the State of Missouri, contained in a large volume of several hundred pages, with such indecent haste, and with so little regard to what the book contained, that they neglected to erase "State of Missouri," where it occurred in the titles of the several acts, and insert "Territory of Kansas" in its place. The consequence was, that they were compelled to the ridiculous expedient of passing a supplementary act declaring that where the word "State of Missouri" occurs, "Territory of Kansas" must be understood. Among the laws passed by this model Legislature, were the following. I am not aware whether they were partly borrowed from the State of Missouri, or whether they originated entirely with the ruffian Legislature. They appear, however, to be, at least in part, original:

"Sec. 11. If any person print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing in, or printing, publishing, or circulating, within this Territory, any book, paper, pamphlet, magazine, handbill, or circular, containing any statements, arguments, opinions, sentiments, doctrines, advice, or innuendo, calculated to promote a disorderly, dangerous or rebellious disaffection among the slaves in this Territory, or to induce such slaves to escape from the service of their masters or to resist their authority, he shall be guilty of a felony, and be punished by imprisonment and hard labor for a term not less than five years.

"Sec. 12. If any free person by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall

introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated in this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of a felony, and punished by imprisonment at hard labor for a term of not less than two years."

And further providing, that no person "conscientiously opposed to holding slaves" shall sit as a juror at the trial of any cause founded on a breach of the foregoing law. They further provided, that all officers and attorneys should be sworn not only to support the Constitution of the United States, but also to support and sustain the organic law of the Territory, and the fugitive slave laws; and that any person offering to vote shall be presumed to be entitled to vote until the contrary is shown; and if any one, when required, shall refuse to take an oath to sustain the fugitive slave laws, he shall not be permitted to vote.

They removed all obstacles to voting at future elections on the part of non-residents, by providing that whoever should pay a poll-tax and claim residence for the time being, should be a qualified elector. No length of time was made a necessary part of the qualification, and the consequence was, that any Missourian who could afford the expense of a ride across the line, and the payment of a small poll-tax, was legally qualified to make laws and institutions for Kansas. It was known that the citizens of the free States could not avail themselves of the privilege, in consequence of the great distance intervening. No one would dream of traveling five or fifteen hundred miles for the purpose of casting a vote. Even Iowa could afford no aid to the free-state cause, under this convenient electoral law, since the western portion of it is, or was at that time, almost uninhabited.

Such was the "perfect freedom," and "popular sovereignty" enjoyed by the people of Kansas at their first election.

Their second election, in 1856, took place under the "laws" passed by this Legislature, which make a felony to discuss the very questions at issue between the parties; and disfranchise all who would not take an oath to support laws which they held in abhorrence. It is the height of tyranny to compel a man to swear to support a particular statute as a condition upon which he is to exercise the elective franchise. Have citizens no right to doubt and deny the constitutionality of laws? And must American gentlemen stultify themselves, or be disfranchised? The idea is abhorrent to every man who is not a tyrant or a slave at heart. It is the essence of tyranny.

What would South Carolina think of such a test-oath in regard to a protective tariff. She once declared such a tariff unconstitutional and void. Suppose the Congress of that day, at the recommendation of General Jackson, had passed a test-oath, and declaring that no man who refused to support the tariff act should be allowed to vote, what would South Carolina have said to it? I ask her Representatives here now, what they would have thought of such a test oath? I know what that answer must be; not one of them but will feel his blood mantle his cheek with indignation at the thought. Then how can they countenance it for one moment, directly or indirectly, this infamous test-oath in Kansas? Their candor will not permit them to deny that the cases are perfectly parallel. It is as legitimate to require a test-oath for one law of Congress as for another.

But, Mr. Chairman, is it not too plain to need illustration, that whoever upholds the validity of the territorial election of 1855, gives his sanction to the test-oaths under which it was held? No candid man can

deny the proposition. Those test-oaths are known to have kept thousands of conscientious voters from the polls. The free-State party resolved, in consequence of them, to abstain from voting; and the result was that the election went in favor of the pro-slavery party. They had no occasion to import voters. Their test-oaths were all-sufficient to secure them a monopoly of the elective franchise and an easy triumph.

The Legislature, therefore, which called the Leecompton convention into being, was elected under these infamous test-oaths, and owes its pro-slavery character to them. Without the test-oaths the result might have been, and probably would have been entirely different. Yet, sir, we hear South Carolinians foremost in defence of the legitimacy of an election conducted on such principles. Sir, they should not forget that "a revolution of the wheel of fortune, an exchange of situations, is among possible events," and the day may come when the "poisoned chalice" may be presented to their lips. A test-oath is a happy expedient of the central power to get rid of refractory majorities in the States, and give its own meager handful of friends the control. Sir, I am very far from threatening such retaliation; I love liberty not merely for myself and party, but for all men. But I warn the South, and particularly South Carolina, against the danger of putting this tremendous weapon of despotism in the hands of the Federal government. They should fear and tremble when they reflect upon their participation in these centralizing measures.

Test-oaths originated in a barbarous age. They were invented by religious intolerance and fanaticism, and furnished a convenient method for disfranchising and crushing minorities. England is now about to efface the last vestige of them from her statute-books, by repealing the laws which exclude the Jews from the rights and privileges of British subjects. The people of London have, several times, within the last ten years, sent a Jew to Parliament, merely as a protest against the intolerant test-oaths. The House of Commons has more than once, indeed I believe, every time, signalized its willingness to repeal the test act, and admit the Baron Rothschild to his seat, but the House of Lords has shown its characteristic repugnance to reform by opposing the repeal. Every year, however, their opposition grows weaker, and if they have not already yielded, it is confidently expected they will do so at no distant day. Sir, the House of Lords is a hereditary body, and clings with tenacity to whatever is arbitrary and illiberal; but it dare not resist the persistent demands of the British people for reform. It has always yielded—generally at the eleventh hour and with bad grace—to the stern voice of the people, spoken through the Commons.

And, sir, shall republican America, in the latter half of the nineteenth century, transplant this relic of barbarism and intolerance to the New World, after it has been discarded by monarchical England? Sir, slavery is itself a relic of barbarism. It has no element of freedom or justice in it; but its friends pretend that it only affects the rights of black men; that white men are all the more free for holding black men in slavery. There never was a grosser fallacy. There can be no freedom where slavery is, for master or slave; for white men or black. It is itself the essence of injustice, and can only be maintained by illiberal and intolerant laws. It will not bear scrutiny, and therefore it becomes necessary to pass laws, such as I have quoted from the code of Kansas, and such as are to be found in the codes of all the slave States, forbidding, under heavy pains and penalties, any denial of the right to hold slaves. It must have test oaths, in order to disfranchise every man who dares to question, even in his heart of hearts, the justice of the system. In a word, slavery demands the same despotic regulations for its support which

Louis Napoleon and the Czar of Russia find necessary to the maintenance of their tyranny.

The Lecompton convention was called into existence by this test-oath Legislature. Its parents were rufianism and fraud. It was literally conceived in sin and brought forth in iniquity. What could we expect of such a convention but an offspring like itself, a foul and deformed monster, abhorred and hated of honest men?

It is true that the test oaths were repealed by the Legislature which called the convention into existence; but other precautions were taken to stifle the voice of the majority, and secure an easy victory to the pro-slavery party, even if the people had thought proper to vote.

In the first place, the Legislature authorized a census to be taken, and a registry of voters, which was very imperfectly performed in any part of the Territory, so far as the free-State party were concerned; while the greatest care was taken to register every pro-slavery man who had ever paid a casual visit to the Territory, or employed a proxy to stake out a "claim." In addition to this, about half the counties, containing an almost unanimous anti-slavery population, were entirely neglected by the census-takers, and were denied any shadow of representation in the convention. A second and still stronger guarantee of success was the fact that the appointment of judges of the election was made by the Legislature from the most reckless and unscrupulous tools of the slavery faction, and the poll-books made returnable, not to the Governor, but to the Speakers of the two Houses, in whom the people had not the slightest confidence. Under such circumstances it would have been the excess of folly on the part of the free-State men to participate in the election. But lastly, and above all, the people of Kansas regarded the Legislature which called the convention into being as a foul usurpation, which they would not have tolerated in their midst but for the support it received from the central despotism here at Washington.

The last act of the Territorial Legislature took place in October. We are all familiar with its history. The free-State party had now become too strong to be overawed by rufian invaders from Missouri; and, as a consequence, the slavery desperadoes were compelled to resort to new tactics. In the first election, of March, 1855, their reliance was upon force. They scarcely desecended, at that stage of the struggle, to perpetrate frauds, except such as were as bold and barefaced as the violence which accompanied them. In 1856, their relative strength was considerably impaired, and force and fraud were united; while in 1857 their weakness was so conspicuous, that they abandoned force, except in a few localities, and relied almost exclusively upon the most despicable fraud and perjury. The rufians have been completely transformed into knaves; and the people, who have grown too strong to be kept down by force, are to be cheated of their rights by the forgery of election returns, and the perjury of officials.

We all recollect how the consummation of this crime was prevented by the integrity of Governor Walker and Secretary Stanton, in the rejection of the Oxford and McGee county frauds; and we all know the reward they received at the hands of President Buchanan. For doing what any honest man would have done, Governor Walker was denounced by the pro-slavery press of the country in the most unmeasured terms, and was censured and frowned upon by the Administration, until self-respect compelled him to resign. Secretary Stanton, partly for his own participation with Walker in the rejection of the Oxford frauds, and partly for calling an extra session of the free-State Legislature, has been unceremoniously dismissed.

Two more elections remain to be noticed. I allude to those of the 21st December and the 4th of Janu-

ary. The first of these elections was called by the Lecompton conspirators in order to gloss over their treasonable work by tricking the people into its adoption. Instead of submitting the whole constitution to the popular vote, which would have been the most easy and natural, as well as the only fair and legitimate proceeding, they submitted a single clause for the people's ratification or rejection, on condition of their voting for all the other clauses. Can any good reason be offered for this discrimination? Have not the people the same right to vote for or against the whole constitution that they have to vote upon a part of it? Sir, the members of the convention had the frankness to tell why they declined to submit the whole constitution. They acknowledged that they withheld it because they were aware that the people would vote it down; and incredible as the fact may seem, the official organ of Mr. Buchanan—the Washington Union—had the coolness to justify them on that ground! Sir, call you this Democracy? No, sir; no, sir; it is the essence of whatever is mean, odious, and tyrannical. Every honest man will detest the vile hypocrisy which attempts to cloak its despotic purposes under such disguises.

The terms of this pretended submission of the slavery clause to the popular ratification required that all who voted at all, whether for or against the slavery clause, must vote for the constitution. They must vote "for the constitution with slavery," or "for the constitution without slavery." Is it not clear that the object of the convention was to extort an endorsement of the constitution from those who were opposed to it, or compel them to refrain from voting? This dishonorable expedient originated in the same spirit with that which originated the test oaths—a desire to disfranchise all who were opposed to slavery and to the rule of the usurpers. No conscientious opponent of the constitution could vote at all; and the result was that the border rufians and Federal stipendiaries had everything their own way.

But, sir, the question of the existence of slavery was really never submitted to the vote of the people at all. The pretended submission only amounted to this: shall Kansas exclude the further introduction of slaves? A separate clause of the constitution guarantees a perpetual right of slave-holders in the slaves already in the Territory, whatever might be the result of the vote upon the clause submitted for their ratification; and the vain attempt is made to bind future generations for all time to the maintenance of slavery. The people are permitted to alter their constitution after the year 1864, *provided* that the clause securing a perpetual right to hold slaves is never to be touched. Such, sir, is the "popular sovereignty" which Mr. Buchanan wishes secured to the people of Kansas! They may exclude the introduction of more slaves, *provided* they will vote for the perpetuation of the slavery already in existence, and the perpetual right to buy, sell, and breed from the stock already on hand! They may even alter the constitution after the year 1864, *provided* that this sacred right of holding, buying, selling, and breeding from those in the Territory at the time of its admission into the Union, is never to be interfered with! Sir, I should have held the Lecompton convention and the Administration in more respect if they had adhered to their first resolution, which was, not to submit the constitution, or any part of it, to the popular vote. Tyranny awakens our abhorrence, but fraud and jugglery excite contempt.

The convention ordered another election to take place on the 4th of January, under this Lecompton constitution, for State officers, State Legislature, and a member of Congress; and in the mean time the newly elected free-State Legislature met in a called session, which proceeded to order an election to take place also on the 4th of January, upon the question of ratifying or rejecting the constitution. We have heard the result of this election. More than ten

thousand freemen of Kansas cast their votes against the constitution in all its parts; while on the 21st December only six thousand voted for the constitution with slavery; and of these it has been ascertained that fully half were fraudulent. We have, therefore, ten thousand against the constitution, and three thousand for it; and yet, in the face of these indisputable facts, the administration of Mr. Buchanan, backed by what is called the Democratic party, are endeavoring to force Kansas into the Union under the Lecompton constitution. Sir, the history of the worst ages of the world will furnish no more glaring invasion of the rights of a free people. The partition of Poland and the subjugation of Hungary by the despots of Russia and Germany, were not more flagrant acts of tyranny.

As to the election, on the 4th of January, for State officers, State Legislature, and member to Congress, we are not permitted to know the result to this day, on any reliable authority. The president of the convention, who is, at the same time, surveyor general of Kansas—a Federal official, who holds his place at the pleasure of the Administration—was authorized by the convention to receive and count the votes, and declare the result. In concert with the Administration, and doubtless by its command, he has held back the certificates of election in order to be ready for any emergency. If the prospect seems fair that Kansas is to be admitted into the Union under the Lecompton constitution, without serious opposition, we are given to understand that the pro-slavery party has triumphed. If, on the other hand, the fate of the swindle grows doubtful, we hear intimations thrown out, through the organs of the Administration, that the free-State candidates are to receive the certificates. We have recently seen in the newspapers a letter from Calhoun, stating that he has such information from the Territory as will induce him to give the certificates to a majority of free-State men. But his information is unofficial. He has not heard from Governor Denver; and the fraud once consummated here, it is not at all improbable that the official count might foot up quite differently. It is to be remarked, also, that this letter, which will pave the way for a few doubtful northern votes, says not a word about the State officers, and member of Congress.

Sir, I have no faith in this letter. I will not believe that the majority has been given to the free-State party, until I hear it on undoubted authority from Kansas. This knavish juggle, this thimble-rigging, has been continued too long to impose upon the public.

I regard the Administration as being equally responsible with Calhoun for the outrageous violation of all law and precedent, all justice and decency in this matter. He is their creature, holding a high and valuable office at their hands; and he would not have dared thus to trifle with the rights of Kansas if he had not been encouraged in it by his official superiors. The Administration is determined on securing two more United States Senators to bolster up their rotting despotism, and the whole history of their career proves that they will scruple at nothing—yes, sir, literally nothing—which may secure success.

Such, Mr. Chairman, has been the history of "popular sovereignty" under the administrations of Franklin Pierce and James Buchanan. They have "held the word of promise to the ear, and broken it to the hope." They never intended that the people should be "perfectly free" to form their own institutions, unless they should include slavery among them. If the people had been unanimous for slavery, there would have been no interference on the part of the Federal Government, because there would have been no necessity for it; but as the most unmistakable indications were given that a majority of the people were opposed to slavery, and if left to themselves would exclude it, all the power and influence

of the Federal Government have been employed to defeat the popular will, not by a legitimate use of executive influence, but by stimulating ruffianism, murder, fraud, and perjury; by the appointment of the most notorious murderers and scoundrels to office, and by putting arms into their hands with which to murder and rob the free-State men.

The Government is the creature of the slave power. A Senator, in the other wing of the Capitol, has had the frankness to admit that the South has ruled the country almost from the origin of the government. Sir, nothing could be truer; and I with humiliation confess that the southern supremacy has never been so complete under a southern President as it has been under the last and present Administrations, when northern men have nominally presided at the White House.

The present incumbent of the presidential office is reported to have said, many years ago, that, if he had a drop of Democratic blood in his veins, he would let it out. I am not aware that the fact was ever tested by a resort to the Sangrado practice; but the history of his life has superseded all necessity for surgery. He clung to the old Federal party until it broke down, and then unceremoniously marched over to the enemy. From that time forward we have seen him trimming between the extremes of North and South, until he ascertained that the slave interest predominated in the Democratic party. From the date of that discovery he at once threw himself into the arms of the slavery propagandists; and to-day his position is more ultra southern than that of Mr. Calhoun was at the day of his death. And the history of his Administration, particularly with reference to Kansas, has removed every suspicion that he has either honest Democratic blood or northern blood in his veins. Sir, he belongs to the genus *Doughface*—a name invented by John Randolph, of Roanoke, to characterize the northern champions of slavery; and that term implies the absence of blood of any kind.

The position of the Republican party with reference to "popular sovereignty," or the right of the people of a Territory to make their own laws is, in my view, the only one compatible with the constitution and with common sense. We hold that territorial sovereignty is subordinate to Federal authority; that it is absurd to suppose that the first handful of men—five hundred or five thousand—who arrive in a Territory like Kansas, of more than a hundred thousand square miles, have an exclusive right to fix its fundamental laws for all time, without the consent of Congress. They have no right, for instance, to form a State government, and to define its boundaries, without the consent of Congress. Common sense dictates that Congress should first pass an enabling act, setting forth the number of inhabitants requisite to form the State, the territorial extent of the State, and its boundaries. Can there be any question on this point? May five hundred men erect themselves into a State, with an area of five hundred thousand square miles? The idea is utterly preposterous; but admit the principle of territorial sovereignty, and this conclusion follows.

But while we insist upon the right of Congress to legislate for the Territories, we admit that this right may be waived. The people of the Territories may be invested with the privilege of making laws for themselves, as Kansas has been; and we insist that they shall enjoy the right thus guaranteed to them by the organic act, without executive intermeddling. We deny their right to come into the Union whenever they think proper, and on any terms, but we admit their right to present themselves for admission. The Republican party has been the bulwark of practical popular sovereignty in Kansas since the organization of the territorial government; and we hail with joy the recent demonstrations of a large wing of the Democracy in favor of this principle.

We extend to them the right hand of fellowship, and shall be happy to co-operate with them in any measures for vindicating the perfect freedom of the people in the formation of their own institutions in their own way.

Sir, if the Government were placed in the hands of honest and fair men, I should have little apprehension of seeing slavery extended, even without a resort to congressional prohibition. There was a time when the tendency was to expand slavery faster than freedom, but that time is past. At the period of the organization of the Government there were twelve States of the Union which tolerated slavery, and only one from which it was excluded. In six of those States slavery was an interest of prime importance; and nearly the whole territory of the Union lay contiguous to them. New England and New York had no frontier Territories bordering on them; and only Pennsylvania, of all the States then comparatively, now entirely free, had a direct outlet into the wilderness beyond its western borders. In consequence of this state of things, and of the peculiar nature of slavery, we have seen Kentucky and Tennessee spring into existence before Ohio; and from that time forward down to 1850, slavery spread more rapidly and widely than freedom. Since that period, the tables have been turned. Up to 1850, the number of free and slave States was equal. California turned the scale in favor of freedom; and now we have no less than three more free States ready for admission into the Union. One of them we have seen a party which styles itself Democratic, with a northern President at its head, attempt to smuggle into the Union under a slave constitution, concocted by corrupt Federal officials and other unscrupulous ruffians; but every man in the country knows that Kansas is practically free, and determined to remain so. Sir, nothing can prevent Kansas from becoming a free State of the Union in twelve months or two years, together with Minnesota and Oregon.

Of the fifteen slave States, Delaware is one, with not more slaves in it than are to be found on some of the largest plantations of the South. The people are anxiously looking about them for the means of removing the last vestige of the institution; and we may set Delaware down as practically free. Missouri, too, is one of the fifteen slave States. Her slave population is considerable, but her white population is ten times more numerous; her territory is as large as Great Britain, and the tide of white immigrants now flowing into the State is rapidly dwarfing the relative importance of slavery. It is believed that its actual strength will for the same reason decline, the slaveholders being induced to immigrate South with their slaves, by disgust and irritation at the marked change in public sentiment which has resulted from the influx of white population. As an index of the rising free sentiment in that State, I might point to the presence, in this House, of the distinguished Representative from St. Louis. He will doubtless have sympathizing colleagues in the next Congress.

Maryland is another of the fifteen slave States. It is now in a false position. It has no use for slaves in any point of view. It is a commercial and manufacturing, as well as agricultural State. It lies in the latitude of Ohio, Indiana, and Illinois, and has no more need of negro slaves than those States. Its slave population has been declining for fifty years. It had more slaves when the first census was taken, in 1790, than at the last, in 1850; and in the mean time, its white population has increased several fold. It has a city of two hundred and fifty thousand inhabitants, which, in fifteen or seventeen years, will number half a million. That city, and the whole tier of northern counties, are nearly rid of slavery, and are becoming averse to the institution. They embrace three-fourths of the population of the State, and are growing every day more and more conscious

of their strength. It is not to be credited that a barbarous and worn-out institution will be permitted to fetter the energies of such a population many years longer.

Sir, I have pointed to the fact, that at the time of the formation of the constitution, nearly the whole of our western Territories, lay contiguous to the southern States, while only a portion of one northern State was in actual contact with them. From northern Virginia, on the fortieth parallel of latitude, down to the line of Florida, the South was bounded westwardly by vacant territories stretching to the Pacific ocean. The North then literally had no West, except the strip of land between the northern line of Virginia and Lake Erie. Now, how changed! The free States are now in close proximity to nearly every foot of valuable territory in the Union; while the South has, in the progress of events, been shut off from it. We have twelve degrees of western front, commencing with the southern boundary of Kansas and running up to the forty-ninth parallel. This includes and secures to us beyond contingency, all the territory east of the Rocky Mountains, except a strip about two hundred miles wide, west of Arkansas, which has been dedicated to the Indian tribes. Beyond the Rocky Mountains we have California, Oregon, and Washington Territories; in a word, the whole Pacific coast. Utah and New Mexico are cold, mountainous, or desert regions, and hold out no strong inducements to emigrants from any quarter; but are entirely unsuited for slavery. They are to become the great breakwater of the emigrant tide, and are destined at no distant day to turn it back upon Missouri, the Indian Territory, Arkansas, Kentucky, and, in a word, upon the whole northern tier of slave States. The fertile region of Kansas is said by Fremont, Emory, and other explorers, to extend not more than two hundred and fifty miles beyond the Missouri frontier. The emigrant crop of the North, and of Europe, will, in a very few years, occupy this ground, and from that time we may date the "friendly invasion" of the more northern slave States, including Maryland and Virginia. Sir, the day of their regeneration is not distant.

The friends of slavery talk of opening the Indian Territory to the settlement of white men, in order to convert it into one or more slave States. Well, let them try it; we shall be ready for them. The Indian Territory adjoins Kansas on the south, and it will be a comparatively easy task to rescue it from slavery. Kansas itself was entirely cut off from the free States by Missouri; and its most fertile portions were in immediate contact with the most populous slaveholding counties of that State. The Indian Territory, on the contrary, is bounded as well by the free State of Kansas as by the slave State of Arkansas; and it is a fact, which any one can verify by reference to the census, that the northern and western portions of the latter, like southwestern Missouri, are nearly destitute of slaves. In fact slavery has no great hold upon Arkansas. In the northern half of the State, with more than a hundred thousand inhabitants, there were in 1850 less than ten thousand slaves. That State is, therefore, more likely to receive a friendly invasion of Free-Soilers from the North than to send out a pro-slavery invasion into the adjacent Territory.

The cotton region of Arkansas lies in its southern and southeastern portions, and the slave population is chiefly confined to these sections. If cotton and slavery will not flourish in the northern and western parts of this State, how unlikely that they will succeed better in the higher and colder regions west of it, to which the Indians have been assigned!

Mr. Chairman, the South owed its rapid development, or I should more properly say, its diffusion and consequent increase in the number of States, in the commencement of our national career, to the ruinous effects of slavery upon the soil. Slave la-

is fitted only for agriculture. Slaves are kept in ignorance as a necessary police regulation: and, as a necessary consequence, they are only qualified for the coarsest common labor. They will not excel even the rudest species of mechanical or manufacturing labor; and are utterly unfitted, by ignorance, by the absence of motives of interest, and by want of integrity of character, for the more ingenious operations of art, for trade, commerce, and business. The community, therefore, which holds a fifth, a third, or two-thirds of the population in slavery can never compete with a free community. It is if a man should attempt to run a race with one of his legs splintered, or to wrestle with the right arm and. It is for this reason that we see but a few towns and villages in the slave States, compared with what we find north of Mason and Dixon's line; that the cities, except on the northern border, where every vest has nearly disappeared, are few in number, and dwarfed in appearance. Even agriculture itself, because it is the almost only occupation of society, wears a languid and thriftless aspect.

Towns and cities are essential to agricultural prosperity. They furnish a domestic market for whatever the earth produces; for grain and vegetables, beef, mutton, poultry, and eggs, and for a thousand things which would otherwise be useless. The country starves out the towns and cities, wears out the soil, and leaves nothing to improve or recuperate it, except at a very heavy expense and inconvenience. The consequence is, that the slaveholder, after a ten or twenty years, finds it necessary to abandon worn-out plantation, and move further, in search of new lands; and hence it is that slavery has here never advanced so rapidly. Its weakness and worthlessness, as a system of labor, have been the cause of its temporary increase of political power in the Confederacy.

But, sir, the spirit of progress and improvement has invaded even the slave region; and within fifty years, but more especially within ten years, the South has greatly improved its condition by the construction of railroads, and other facilities of transportation and travel. The effect has been to bring the farmer nearer the market, to diversify employment, and to give unwonted activity to town and country. But the legitimate development of the South has tended to hinder its expansion. The augmented demand for labor in the old States has checked emigration, and we see Virginia, Maryland, and the Carolinas improving as fast, or nearly as fast, as the newer States of the Southwest. Texas, which is an immense fertile territory, with five times as much soil adapted to slavery as Virginia, has disappointed the hopes of the South; and apprehensions must be felt that the western half of it will be appropriated by the Free-Soilers. Should this take place, it may be attributed as much to the internal development of the old slave States as to the enterprise of the Free-Soilers.

The most feasible remedy which the South has, therefore, against the encroaching tide of white labor, is the return to her ancient lethargy and inattention to the value of internal improvements. She must abandon her railroads, and cease to build more, let her burn down her factories and workshops, and lynch or destroy every steam-engine, she will soon see revived that great element of political power, the compulsory dispersion of her population over the plains of Texas, and the formation of new slave States. A return to this policy will be secure to her the Indian Territory, if not Kansas itself.

A different law has controlled the destiny of northern population. The free States were originally richer. The imports of the South, as well as the exports, prior to the Revolution, were greater than those of the North. The South, then, as now, produced the rich staples of commerce; the North

produced nothing which was not grown equally cheap in Europe, except, perhaps, lumber and fish, which were exchanged for such British manufactures or colonial products as they could afford to purchase. The South, it is true, had no commerce, because that was in the hands of the merchants of England. English ships brought their cargoes to the very doors of the planters, without the intervention of an American merchant, in many cases; a fact which illustrates the utter absence of commerce in the American colonies. General Washington was in the habit of thus dealing directly with the London importer.

The planters had, however, much more to exchange for the luxuries and comforts of Europe than the poor farmers of the North. The South exported everything valuable which she produced, and imported everything which she consumed, except necessary food. Nearly everything worn, and every article of furniture was imported. Even bricks to build houses were imported from England.

The friends of slavery are in the habit of pointing to the large exports of the South—they can no longer point to its large imports—as evidence of the superior wealth of that section. They export everything valuable which they produce, and import, either from Europe or from the North, everything except necessities which they consume; and this, sir, is the ground of their boasted wealth, independence, and civilization! I am amazed, sir, that a moment's reflection has not taught them the contrary. Is it not clear that a country which produces only the raw materials of commerce, which only cultivates the ground, is in a condition of colonial dependence? Such, sir, is the condition of the South. She produces the bulk of our exports, and yet she has never, at any period of her history, exported them. Even when a majority of the exports was made from southern ports, the trade was carried on by northern or European ships and seamen. But for some years past the South has fallen behind the North in the amount of exports. The imports have always been in northern hands. The North sends its ships to New Orleans and Charleston, transports their cotton, tobacco, sugar, and rice, to Europe, and brings back return-cargoes of merchandise to New York, Boston, and Philadelphia; and from these points the South is supplied with foreign or northern manufactures. Sir, the condition of the South is strictly one of colonial dependence. She produces the very staples of commerce; she has fine harbors, fine timber for ship-building; in a word, every material element of commerce; but they are of no avail. The ignorance and barbarism of slavery have doomed her to an inferior and dependent condition.

The colonial history of New England and other northern States is a history of severe and heroic struggles with primeval nature. They had none of the advantages which the South enjoyed. They produced nothing which was not grown to equal advantage in Europe, with the exceptions of lumber and fish. The people had little to export, and therefore little to buy with. They were compelled to resort to their own ingenuity for the supply of their wants; and hence arose those diversified employments of agriculture, commerce, and the mechanic arts, which have conferred wealth and independence upon the free States. Even their superior education and literature may be traced to this humble origin—to the necessity of ministering to their own wants. The wealthy slave proprietors were able to educate their sons at Oxford or Cambridge, and therefore neglected, in a great measure, the establishment of schools and colleges at home. The northern people, too poor to imitate the example of their southern neighbors, but being imbued with the love of knowledge, set about building institutions of learning on this side of the Atlantic, and the establishment of common schools for all classes. The result has been to

oster a universal love of learning among the people, to found institutions of learning which command the respect of the civilized world, and a literature which, in little more than two centuries from the date of the first settlement at Plymouth Rock, begins to take rank by the side of that of the mother country.

Sir, this diversity of employment, which is an essential element of civilization and progress, had its germ in the poverty of the northern colonies, and it is now the glory and strength of the empire. It has kept population more at home, and caused the accumulation of large masses in cities and towns. Since the Revolution, the incidental, and sometimes direct, protection, extended by the Federal Government to manufactures, has tended to promote this diversity of employment and concentration of population. The propagandists of slavery should, above all other people, advocate the protective policy; since its effect is to prevent the emigrating tendency of northern population, which has thwarted their efforts to carry slavery into Kansas.

But it is a singular fact that the policy of the South has tended more to the spread of free institutions than our own northern policy has done. Sir, what has that southern policy been? It has been to break down, or keep down, our manufacturing system, by withholding the protection which is essential to its existence. Free-trade has never been literally adopted in this country; and we have therefore to conjecture its full effects upon our mechanical and manufacturing interests. But I think the free-trade theorists will agree with me that it would produce a general dispersion of the northern town population. It would augment the tide of western and southern emigration, and fill up the Territories with its free white laborers. The present revenue tariff has been in operation a dozen years. We have seen its effects. They have been only less potent than free-trade. It has crippled our manufactures, prevented the growth of manufacturing towns in the old States, and sent our people out in search of new homes in the Far West. California, in the latitude of Virginia and the Carolinas, has been made a free State. Kansas, in the same latitude, has been rescued from the jaws of slavery. We have at the same time found a surplus for the peopling of Minnesota, Oregon,

Washington, and Nebraska, and are now proposing to oust slavery from Missouri.

But, sir, another southern measure has removed an obstacle to the ascendancy of free labor and free institutions in this Republic. I allude to the repeal of the Missouri compromise. While that compromise existed, there was a tacit understanding that the line of thirty-six degrees thirty minutes was to be the boundary line between slavery and freedom. But, sir, the line has been effaced; and the friends of freedom, after an arduous struggle, have succeeded in placing their right to all territory north of that line on a foundation more enduring than the isothermal theories of Governor Walker, or the plighted faith of the slave power. By its free-trade policy, the South has imposed upon the North the necessity of emigration, and, by the repeal of the Missouri compromise line, they invite us into their territorial heritage. We have lost nothing by your bad faith; and, in the name of the free people of the country, of all parties and sections, I thank you for the act, though not for the motive which prompted it. We will take you at your word. We will go into your goodly land and possess it; once yours by compromise, but now as much ours as yours by your bad faith.

I am the advocate of a protective tariff, and I think the present tariff ruinously low; but if you think it too high, reduce it, and establish free-trade. The effect will be to injure us of the older States, of Pennsylvania, of New England, New York, New Jersey, and Ohio; but what we lose in wealth and prosperity the North will gain in political power. Break up our factories and workshops, and our population will emigrate to the western Territories, crowd out slavery, and make free States of them. Our population will invade Delaware, Maryland, Kentucky, Missouri, and Virginia, and transform them into free States.

Commerce, too, will be unduly stimulated, thus affording additional facilities to European emigration to this country; and we may expect to see an influx of five or six hundred thousand per annum, who will be joined to the army of northern invaders of your soil.

WASHINGTON, D. C.

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